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Supreme Court of the United States

October Term, 1998

ELOISE ANDERSON, Director, California Department of Social Services; CALIFORNIA DEPARTMENT OF SOCIAL SERVICES; PETE WILSON, Governor of the State of California; and CRAIG L. BROWN, Director, California Department of Finance,

Petitioners,

v.

BRENDA ROE and ANNA DOE, on behalf of themselves and all others similarly situated,

Respondents.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

BRIEF FOR SIXTY-SIX ORGANIZATIONS SERVING DOMESTIC VIOLENCE SURVIVORS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*

Amici curiae are sixty-six organizations engaged in service delivery, advocacy, and research on behalf of survivors of domestic violence.[1] They and their members include domestic violence shelters and counseling services from thirty-five states, public health professionals, and legal advocates committed to securing women's equality. Several *amici* are associations of low-income women, many of whom have suffered from family violence and who have needed Temporary Assistance for Needy Families ("TANF") in order to establish new homes away from abusive partners.

Amici are familiar with the needs of low-income families and have extensive knowledge of the plight of women and children struggling to escape their batterers. *Amici* have special expertise in the particular ways in which family violence traps women and children in poverty and dependency. *Amici* submit this brief to inform the Court of the harsh impact that durational welfare residency requirements will have on TANF families who move to another state to flee an abusive spouse or domestic partner.

The individual statements of interest of each *amicus* are appended to this brief. Letters from the parties consenting to the filing of this brief have been filed with the Court.

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[1] Counsel for a party did not author this brief in whole or in part. No person or entity, other than the *Amici Curiae*, their members, or their counsel, made a monetary contribution to the preparation and submission of this brief.

SUMMARY OF ARGUMENT

California's durational residency requirement for cash assistance harshly penalizes new state residents by denying them the very necessities of life: shelter, clothing, heat, food. The impact of welfare residency requirements is felt particularly keenly by women and children who migrate to another state to escape brutal, sometimes life-threatening domestic violence. This violence frequently escalates when the victim attempts to flee from her abuser, and can be so relentless that the victim must change her identity, move to another state, and abandon all ties to her former life. Welfare is a lifeline for these women and their children. Many have no other means of support and would otherwise be forced to choose between utter destitution and returning to their abusers.

Because abusers may control every aspect of their victims' lives and actively discourage their victims from holding jobs or completing their education, battered women face unique barriers to self-sufficiency. Most welfare recipients have work experience, but many have lost jobs or educational opportunities because of intentional interference or sabotage by abusive partners. Adequate levels of cash assistance are therefore essential if battered women are to survive on their own, apart from their abusers.

California's durational residency requirement does not rationally further any legitimate state interest in encouraging self-sufficiency. Its irrationality is particularly apparent in its impact on domestic violence survivors, for it punishes women who have courageously

fled from their abusers in order to secure a safe and independent future for themselves and their children. The severe deprivation of basic necessities that this penalty inflicts on new residents is likely to deter some battered women from escaping from their violent partners, thus subjecting them to further injury and abuse.

ARGUMENT

I. MILLIONS OF WOMEN ARE VICTIMS OF DOMESTIC VIOLENCE, AND SOME WILL SUFFER SERIOUS INJURY OR DEATH AT THE HANDS OF THEIR ABUSERS IF THEY CANNOT FLEE TO SAFETY.

As this Court has noted, "there are millions of women in this country who are the victims of regular physical and psychological abuse at the hands of their husbands." *Planned Parenthood v. Casey*, 505 U.S. 833, 893 (1992) (plurality opinion); *id.* at 891 (approximately two million women each year are victims of severe assaults by their male partners; due to underreporting, true incidence of partner violence is probably double this estimate) (citing AMA Council on Scientific Affairs, *Violence Against Women* 7 (1991)); *see also* Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, National Institute of Justice/Centers for Disease Control and Prevention at 2, 12 (Nov. 1998) [hereinafter *Violence Against Women Survey*] (25% of surveyed women said they were raped and/or physically assaulted by a current or former spouse, cohabiting partner, or date at some time in their lives; of all women who

reported being raped and/or physically assaulted in adulthood, three-quarters were victimized by a husband, partner, or boyfriend); *Domestic Violence: Not Just a Family Matter*, Hearing Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary, 103d Cong., 2d Sess. (June 30, 1994) [hereinafter *Domestic Violence: Not Just a Family Matter*] (statement of Senator Joseph Biden, Jr. reporting that an estimated three to four million women each year are battered by husbands, partners and boyfriends).[2]

Domestic violence is frequently severe, even life-threatening. Forty-one percent of women who have been physically assaulted by intimates report that they were injured during the most recent physical assault. *Violence Against Women Survey* at 9. About half of the women reporting domestic violence have been beaten severely. Joan Zorza, *Women Battering: High Costs and the State of the Law*, 28 Clearinghouse Rev. 383, 386 (1994). Tragically, many abusers assault not only their partners but their children, as well. *Casey*, 505 U.S. at 889; J.A. 102 (Dutton

[2] Although California Welfare and Institutions Code Section 11450.03 affects both men and women survivors of domestic violence, it disproportionately harms women, who comprise 83% of adults receiving Temporary Assistance to Needy Families ("TANF"), *see* U.S. Dep't of Health & Human Servs., *TANF Report to Congress, Demographic and Financial Characteristics*, pt. VII (1998), and who are significantly more likely than men to be assaulted by an intimate partner. *See Violence Against Women Survey* at 6-8. Two-thirds of cash assistance recipients are children. U.S. House Comm. on Ways & Means, 1996 Green Book, 104th Cong., 2d Sess., at 467 tbl. 8-25.

Aff. ¶ 7) (50% of severe batterers are also severely abusing the children in the home).[3] Domestic violence can be lethal: thirty percent of the women killed in the United States are murdered by their husbands or partners. *Casey*, 505 U.S. at 892 (citing *Domestic Violence: Terrorism in the Home*, Hearing before the Subcomm. on Children, Family, Drugs and Alcoholism of the Senate Comm. on Labor and Human Resources, 101st Cong., 2d Sess. 3 (1990)); U.S. Dep't of Justice, Bureau of Justice, *Violence by Intimates* at 39 (Mar. 1998) (reporting that, in 1996, 29% of female homicide victims were killed by an intimate).

Batterers exert control over their partners' lives directly by the use of force, but also by emotional abuse and economic coercion. Accompanying physical violence are "devastating forms of psychological abuse . . . including verbal harassment, threats of future violence, the destruction of possessions, physical confinement to the home, the withdrawal of financial support." *Casey*, 505 U.S. at 893.

> Domestic violence is based on a dynamic of power and control between the abuser and the abused. The abuser attempts to control, through physical violence and psychological abuse, the behavior of the victim or victims. . . . The batterer may have undermined the victim's self-confidence, making it even more difficult for her

[3] Even when they are not direct targets, children are harmed simply by witnessing family violence. J.A. 102 (Dutton Aff. ¶ 7); ABA, *The Impact of Domestic Violence on Children: A Report to the President of the American Bar Association* at 1-2 (Aug. 1994).

> to live independently. For some women, traumatic reactions to the violence may affect their ability to function effectively and to "get back on their feet" once having left. Further, the batterer may have threatened harm to the victim and her children if the victim attempts to leave the batterer.

J.A. 101 (Dutton Aff. ¶ 4). Experts in the present case have made clear that "the batterer may control [the victim's] access to financial support, forcing her, if she considers leaving, to choose between homelessness and further abuse." *Id.* Furthermore, the greater a battered woman's economic dependence on her abuser, the more likely she is to be the victim of serious injury. Martha F. Davis & Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 Fordham L. Rev. 1141, 1151 (1995) [hereinafter Davis & Kraham, *Protecting Women's Welfare*].

In order to escape violence and create a safe environment for themselves and their families, battered women may find it necessary to flee, often in secrecy and in haste, with little more than the clothes on their backs. One victim of domestic violence described for Congress her flight to safety from an abuser:

> Sixteen years ago I packed everything that would fit into a single suitcase, left behind the few possessions I owned, took my two month old baby girl and ran for my life. . . . As I got on the airplane in Dallas that day, I knew that I would never go back and that I could now begin to create a future for my daughter and myself, a future of freedom and safety.

Id. at 1146 (citing testimony from Karla DiGirolamo in *Domestic Violence: Not Just a Family Matter*).

In order to escape violence and remain safe from their abusers, victims of domestic abuse need some source of financial support. This Court has noted that "[m]any abused women who find temporary refuge in shelters return to their husbands, in large part because they have no other source of income." *Casey*, 505 U.S. at 892 (citing Aguirre, *Why Do They Return? Abused Wives in Shelters*, 30 J. Nat. Ass'n Social Workers 350, 352 (1985)). As the U.S. Senate has recognized:

> [T]he availability of economic support is a critical factor in women's ability to leave abusive situations that threaten themselves and their children, and over 1/2 of battered women surveyed reported that they lacked resources to support themselves and their children. . . . [P]roposals to restructure the AFDC program may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

S. Con. Res. 66, 104th Cong. (1996) (enacted). Thus, "women's escape from violence in their own homes is dependent, to a great extent, on available financial resources." Davis & Kraham, *Protecting Women's Welfare* at 1153. In fact, the most likely predictor of whether an abused woman will be able to separate from her batterer permanently is whether she has sufficient economic resources. *Id.* (citing Edward W. Gondolf & Ellen R. Fisher, *Battered Women as Survivors* 95-96 (1988)).

Adequate financial support is particularly crucial in the months immediately following the abused woman's

separation from her batterer. Abusers do not lightly relinquish control over their victims, and batterers often escalate their violence after separation in an attempt to coerce women into reconciliation or to retaliate for their departures. J.A. 148 (Zorza Aff. ¶ 6); *see also* Mildred Pagelow, *Women Battering: Victims and Their Experiences* at 72 (1981);[4] Margo Wilson & Martin Daly, *Spousal Homicide Risk and Estrangement*, 8 Violence and Victims 3, 7 (1993) (observing that battered women who leave their partners face an elevated homicide risk); Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 Mich. L. Rev. 1, 5-6 (1991) ("At the moment of separation . . . the batterer's quest for control often becomes most acutely violent and potentially lethal."). Testifying before Congress, one survivor recounted her batterer's response when she tried to escape with her two small children: "You lied to me when you said our wedding vows and said until death do we part. That's the way it's going to be." Oversight Hearing on the Issue of Violence Against Women Before the Subcomm. on Crime and Criminal Justice of the House Comm. on the Judiciary,

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[4] As Pagelow notes, official reporters are replete with criminal cases describing serious bodily injury and murder committed by abusers in response to their victims' escape attempts. *See, e.g., Godfrey v. Georgia*, 446 U.S. 420, 424 (1980) (observing that the defendant, who was later convicted of murdering his wife soon after she left him and filed for divorce, abused her during their marriage); *see also Kansas v. Hundley*, 693 P.2d 475, 476 (1985) (noting that the defendant had attempted to escape her abusive husband but that he stalked, threatened, and beat her even after she left their home); *Pennsylvania v. Stonehouse*, 555 A.2d 772, 775 (1989) (discussing physical attack on woman following her attempt to escape her abuser).

102d Cong., 2d Sess. 7 (Feb. 6, 1992) (statement of Jane Doe on behalf of Victim Services). In spite of this grave danger, between 50 and 90 percent of battered women attempt to escape their abusers. Patricia Horn, *Beating Back the Revolution: Domestic Violence's Economic Toll on Women*, Dollars & Sense 21 (Dec. 1992).

Following separation, batterers intent on reasserting their control will often stalk their victims relentlessly. *See Violence Against Women Survey* at 10-11 (citing data showing that between one and six million women are stalked annually). Using personal contacts or creative strategies, abusers sometimes track down their former partners, even at secluded domestic violence shelters. Kathleen Ferraro & John Johnson, *The New Underground Railroad*, 6 Studies in Symbolic Interaction 337, 380-83 (1985) (describing case histories in which batterers obtained information from friends on the police force; used visitation with children to locate their victims; or begged for information from sympathetic taxi drivers). If the abuser knows where the children go to school or day care, he may use that knowledge to threaten or harass them, gain access to the mother, take them, or inflict further physical and sexual abuse on them. J.A. 102-103 (Dutton Aff. ¶ 7); Catherine T. Kenney & Karen R. Brown, *Report from the Front Lines: The Impact of Violence on Poor Women* at 17-18 (1996). Consequently, women threatened with separation assault may be unable to take refuge in local shelters or with nearby family or friends.

The danger for some women and children is so great that they must escape through an "underground railroad" system through which they are relocated and

assume an entirely new identity. Davis & Kraham, *Protecting Women's Welfare* at 1153. The safety of these women often requires that they cease all contact with family, friends and former employers.[5]

For these women, migrating to far-away places is their only chance to escape physically and emotionally abusive living situations. *See, e.g., Green v. Anderson*, 811 F. Supp. 516 (E.D. Cal. 1993) (three named plaintiffs migrated to California with their children to escape abusive or dangerous living conditions), *aff'd*, 26 F.3d 95 (9th Cir. 1994), *vacated as unripe*, 513 U.S. 557 (1995); *Aumick v. Bane*, 612 N.Y.S.2d 766 (N.Y. Sup. Ct. 1994) (one plaintiff returned to New York, where family members were located, to escape an emotionally abusive relationship).[6]

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[5] In recognizing the danger to these women, the Social Security Administration has recently issued new policies which make it easier for victims of domestic violence to obtain new Social Security numbers so they cannot be easily tracked by their former abusers. *See* Robert Burns, *Government Plan Aims to Help Battered Women*, Boston Globe, Nov. 4, 1998.

[6] A study of TANF recipients who sought good cause exemptions from child support cooperation requirements revealed that 72% had changed residences to avoid an abusive partner; and 55% had moved to a different state to escape abuse. *See* Jessica Pearson et al., Center for Policy Research, *Child Support and Domestic Violence: The Victims Speak Out* at 15 (1998) [hereinafter Pearson, *Child Support and Domestic Violence*]. In fact, one domestic violence researcher has suggested that battered women be provided with a one-time payment to enable them to relocate to a new community. *See* Jody Raphael, Taylor Inst., *Trapped by Poverty, Trapped by Abuse* at iv (1997 & Supp. 1998).

In many cases, women will move to other states where they have family or friends who can provide at least some emotional and financial support. Without such support, these women risk being unable to secure basic necessities for themselves and their children – or being forced to return to dangerous and abusive relationships. For some women, the decision to flee a great distance to escape abuse is accordingly prudent and sometimes life-saving. As set forth *infra* Part III, deterring victims from fleeing to another state or penalizing them for having done so places them and their children at grave risk of serious harm.

II. DOMESTIC VIOLENCE IMPOVERISHES WOMEN BY DEPRIVING THEM OF EMPLOYMENT, EDUCATION, AND THE SUPPORTIVE RELATIONSHIPS NECESSARY FOR ECONOMIC INDEPENDENCE.

Congress has expressly recognized that between 50% and 80% of women who received welfare through Aid to Families with Dependent Children ("AFDC"), the predecessor to TANF, were survivors of domestic abuse. 142 Cong. Rec. S5220 (daily ed. May 17, 1996); 142 Cong. Rec. S8141 (daily ed. July 18, 1996). Recent research compellingly demonstrates this close relationship between domestic violence and poverty. *See* U.S. General Accounting Office, *Domestic Violence: Prevalence and Implications for Employment Among Welfare Recipients* (Nov. 1998) [hereinafter GAO *Domestic Violence Study*]; Jody Raphael, Taylor Inst., *Trapped by Poverty, Trapped by Abuse* (1997 & Supp. 1998) (compiling data from various studies). This research indicates that, while domestic abuse afflicts

women of all income levels, the incidence of abuse by a partner or former partner is higher among low-income women. U.S. Dep't of Justice, Bureau of Justice, *Violence Against Women: Estimates from the Redesigned Survey* 1 (Aug. 1995) (Women in families with incomes below $10,000 were more likely than other women to be victims of violence by an intimate.). Among low-income women who receive public assistance, the incidence of domestic violence is at its highest.

In Washington State, 55% of women on public assistance reported that they had been physically or sexually abused by an intimate partner as adults. *See* Washington State Institute for Public Policy, *Over Half of Women on Public Assistance in Washington State Reported Physical or Sexual Abuse as Adults* at 1 (Oct. 1993). Other studies have revealed similar results. In a New Jersey study of 846 women on AFDC, 57.3% reported that they had experienced physical abuse by an intimate. William Curcio, *Passaic County Study of AFDC Recipients in a Welfare-to-Work Program: A Preliminary Analysis* (1997) [hereinafter Curcio, *Passaic County Study*]. Similarly, the Worcester Family Research Project found that 60% of the AFDC recipients interviewed had been abused by intimate partners. Ellen L. Bassuk et al., *The Characteristics and Needs of Sheltered Homeless and Low-Income Housed Mothers*, 276 JAMA 640, 645 (Aug. 28, 1996) [hereinafter Bassuk, *Sheltered Homeless and Low-Income Housed Mothers*]. Of AFDC recipients surveyed by the University of Massachusetts, 57.7% revealed past or current serious abuse by an intimate. Mary Ann Allard et al., *In Harm's Way? Domestic Violence, AFDC Receipt and Welfare Reform in Massachusetts* (1997) [hereinafter Allard, *In Harm's Way?*]. Among 824

low-income women in Chicago, those receiving AFDC were more likely than non-recipient low-income women to have been victims of domestic violence: 33.8% of AFDC recipients and 25.5% of non-recipients had experienced "severe aggression," defined as kicking, hitting, biting, beating, injuring, raping, and threatening with or using a weapon. Susan Lloyd, *The Effects of Violence on Women's Employment* (1996).

The prevalence of domestic violence among welfare recipients is attributable to the fact that domestic violence often interferes with women's ability to sustain themselves economically. In fact, Congress has noted that

> violence against women dramatically affects women's workforce participation, insofar as 1/4 of battered women surveyed reported that they had lost a job due, at least in part, to the effects of domestic violence, and that over 1/2 of battered women reported that they had been harassed by their abuser at work. . . . [V]iolence against women is often exacerbated as women seek to gain economic independence.

S. Con. Res. 66, 104th Cong. (1996) (enacted).

In order to maintain exclusive access to and complete control over their victims, abusers often deliberately interfere with women's work and education efforts. *See* GAO *Domestic Violence Study* at 7; Jody Raphael, *Domestic Violence and Welfare Receipt: The Unexplored Barrier to Employment*, 3 Geo. J. on Fighting Poverty 29 (1995); Jody Raphael, Taylor Inst., *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (1996). Caseworkers describe a variety of tactics that perpetrators use to prevent their partners from succeeding at work or school. These tactics include

repeated harassment of their partners, in person or over the phone; inflicting visible wounds, black eyes, broken teeth and cigarette burns before job interviews; hiding or destroying necessary work clothing or equipment; and reneging on agreements to provide child care. *See* Jody Raphael, Taylor Inst., *Prisoners of Abuse* at 6-7 (1996); GAO *Domestic Violence Study* at 7. In the New Jersey study, 39.7% of the respondents who were victims of abuse reported that their partner had actively prevented their participation in education and job training. Curcio, *Passaic County Study*. Another report found that abused women were fifteen times more likely than the non-abused women surveyed to have a partner who would not like them going to school or work. Allard, *In Harm's Way?* at 25. Thus, although most welfare recipients have work experience and express a desire for school or work, *see id.* at 13, 24, abusive partners often sabotage women's efforts toward self-sufficiency in order to keep their victims dependent and powerless.[7]

Thus, domestic violence both makes women poor and ensures that they remain poor. When violent partners prevent women from pursuing employment or training

[7] In addition to these barriers to success at work and school, women who have been victims of abuse may have sustained physical or mental health damage that makes employment difficult. GAO *Domestic Violence Study* at 8-9; Eleanor Lyon, National Resource Center on Domestic Violence, *Poverty, Welfare and Battered Women: What Does the Research Tell Us?* 1, 5 (1997); S. Con. Res. 66, 104th Cong. (1996) (enacted) (noting studies which show that the majority of battered women suffer from flashbacks, sleep disorders, and other problems that can impair their ability to secure and maintain employment).

activities, many of these women must rely on public assistance for support.[8] *See* Maria L. Imperial, *Self-Sufficiency and Safety: Welfare Reform for Victims of Domestic Violence*, 5 Geo. J. on Fighting Poverty 3, 4 (1997) [hereinafter Imperial, *Self-Sufficiency and Safety*]. As one expert has noted, "AFDC plays a key role in saving battered women's lives. . . . [A] monthly AFDC check provides the safety net necessary to allow women and children to escape violent situations and stay safe." Wendy Pollack, *Twice Victimized – Domestic Violence and Welfare "Reform"*, 30 Clearinghouse Rev. 329, 330 (1996).

Other sources of financial support are likely to be unavailable to domestic violence survivors. The survivor may not safely be able to seek child support from her abuser, because to do so would alert him to her new location, bring her into face-to-face contact with him at court proceedings, and possibly provoke further violence or retaliatory petitions for visitation or child custody. *See* Raphael, *Prisoners of Abuse* at 18. In most states, employees who quit their jobs involuntarily due to domestic violence are ineligible for unemployment compensation. Catherine K. Ruckelshaus, *Unemployment Compensation for Victims of Domestic Violence: An Important Link to Economic and Employment Security*, Clearinghouse Rev. 209, 217 n.42 (Special Issue 1996) (citing survey by federal Advisory Council on Unemployment Compensation).

[8] In fact, in Idaho, in 1996-97, over 70% of abuse victims in domestic violence shelters left the shelters as recipients of AFDC. Beatrice Thompson, *It Takes Time: A Study of Welfare Reform and Domestic Violence in Idaho* (1997).

Some abused women are forced to turn over their paychecks to their batterers, thus preventing the women from saving any money for their escape. Imperial, *Self-Sufficiency and Safety* at 16; Del Martin, *Battered Wives* 84 (1976) (describing battered woman who managed to save $1.75 over a two-year period which, with five dollars her grandmother sent her for Christmas, was just enough to cover cost of bus tickets for her escape). The social isolation that abusers inflict on their victims also deprives women of alternative sources of temporary financial support. *Casey*, 505 U.S. at 891-92 (citing L. Walker, *The Battered Woman Syndrome* 27-28 (1984)). Hence, for many victims of abuse, cash assistance is the only alternative to remaining in dangerous and violent relationships. It literally saves lives.

Adequate levels of public assistance are often the only way battered women can break free of their abusers and lead safe and self-sufficient lives. Financial security "often is the key factor that enables battered women and their children to leave and remain separated from their abusers. If public assistance were not available as a last resort, many battered women would be forced to remain in or return to dangerous or life-threatening situations." Davis & Kraham, *Protecting Women's Welfare* at 1144; *see also Casey*, 505 U.S. at 892 ("Returning to one's abuser can be dangerous.").

III. THE CALIFORNIA DURATIONAL RESIDENCY REQUIREMENT WILL HARSHLY PENALIZE DOMESTIC VIOLENCE SURVIVORS AND ACTUALLY DETER SOME WOMEN FROM PERMANENTLY ESCAPING THEIR ABUSERS.

The California durational residency requirement inflicts upon indigent families a substantial deprivation of "welfare aid upon which may depend the ability . . . to obtain the very means to subsist – food, shelter, and other necessities of life." *Shapiro v. Thompson*, 394 U.S. 618, 627 (1969). When every dollar is needed for rent, heating fuel, and winter clothing for the children, depriving desperately poor women and children of even a small amount of cash assistance has catastrophic consequences.

The California residency requirement would markedly reduce many new residents' monthly grants. Brenda Roe and her family would have received $307 instead of the $565 provided to families who had resided in the state for over a year, barely enough to cover the rent on a studio apartment in her area, let alone other basic necessities. *Roe v. Anderson*, 966 F. Supp. 977, 980 (E.D. Cal. 1997). Likewise, Anna Doe would have received $330 each month, rather than the $456 that California provides to similarly situated longer-term residents, not enough even to cover the cost of rent.[9] *Id.*; *see also Green*, 811

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[9] Quoting one of the plaintiff's experts, Robert Greenstein, the district court observed that " '[b]ecause California's housing costs are high relative to most states and because welfare families in California are less likely than welfare families in any other state[ ] to live in subsidized housing, the residency requirement will place many recently arrived welfare families

F. Supp. at 517 (noting that plaintiff Deshawn Green moved back to California after escaping from her abuser in Louisiana, and would have received $190/month for herself and her two children instead of the full monthly California grant of $624); *Maldonado v. Houstoun*, 157 F.3d 179 (3d Cir. 1998) (finding that a $532 monthly reduction in the Maldonados' benefits imposed by Pennsylvania's durational residency requirement constituted "a 64% reduction in cash benefits and plainly penalize[d] them for having exercised their right to migrate into the state"), *petition for cert. filed* (Dec. 2, 1998). Far from having only a "remote and incidental" impact on the ability of low-income women and children to relocate to other states, *see* Pet. Br. at 25, durational residency requirements heavily burden new residents' freedom to travel.

Other public benefits available to low-income families do not replace the loss of a substantial portion of cash assistance benefits or mitigate the severity of the loss. The trial court in this case correctly rejected the state's argument that the availability of benefits such as food stamps,[10] Medical Assistance,[11] or homeless assistance

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on an inferior footing relative to welfare families in the state from which the newcomers moved.' " *Roe*, 966 F. Supp. at 981.

[10] Food stamps may be used only for the purchase of "eligible foods." 7 C.F.R. § 271.2 (1996). Food stamps cannot pay for rent, utilities, laundry detergent, diapers, soap, clothing, or transportation. *Id.*

[11] While Medical Assistance helps meet recipients' health care needs, it does not increase the income of poor families. Because families receiving TANF cannot afford to pay for health care, if Medicaid were unavailable, they would simply forego treatment until their health had degenerated to crisis levels.

grants[12] rendered its durational residency requirement constitutional.[13] While job training and placement services are helpful to some low-income families in need of assistance, these services do not increase the income of families temporarily unable to work or unsuccessful at finding paid employment.

The loss of significant portions of a family's cash assistance grant under these circumstances operates as a severe penalty for migrating to another state. The penalty is especially harsh for domestic violence survivors, because it "increase[s] domestic violence victims' risk of homelessness and malnutrition, as well as the likelihood

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Medicaid does not, therefore, free up resources for the family to use on housing, utilities, or other basic needs.

[12] Over 70 percent of the families receiving AFDC benefits in 1994 received no housing assistance. U.S. House Comm. on Ways and Means, 1996 Green Book, 104th Cong., 2d Sess. at 479.

[13] The State as well as several *Amici Curiae* supporting the Petitioners argue that the statutes invalidated in *Shapiro v. Thompson*, 394 U.S. 618 (1969), are distinguishable from the California statute in that the statutes at issue in *Shapiro* imposed a total denial of all benefits for a full year, whereas the California statute merely reduces benefits. As this Court pointed out, however, two of the three states whose laws were struck down in *Shapiro* offered new residents "partial assistance." *Shapiro*, 394 U.S. at 635. The relevant inquiry is not whether the state's denial of benefits can be characterized as "total," but rather whether the deprivation is "so severe and work[s] such serious inequities among otherwise qualified residents that they effectively penalize[ ] new residents for the exercise of their rights to migrate." *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898, 907 (1986) (plurality op.). Without doubt, the California statute works just such a severe inequity.

of their staying with or returning to their abusers."[14] Pollack, *Twice Victimized* at 341. As one expert noted, "the durational residency requirement may have the effect of colluding with the abuser's efforts to maintain power and control over his victim." J.A. 104-105 (Dutton Aff. ¶ 14). Dutton further explained:

> Often, abusers will stress that the victim "can't leave" and "has no place to go." By denying new residents adequate welfare support, the durational residency requirement reinforces this message and provides another tool for a batterer to use in keeping the woman in the house and under his control.

Id. Residency requirements thus undermine women's attempts to achieve self-sufficiency – the very value Congress sought to promote in enacting the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

In fact, in the process of enacting PRWORA, Congress recognized that domestic violence may prevent some women from fulfilling, under the time constraints imposed, all of the requirements for TANF eligibility. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. § 602(a)(7) (1998). Thus, Congress passed the Family Violence Option to give

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[14] Not surprisingly, battered women make up a significant percentage of the homeless population. Davis & Kraham, *Protecting Women's Welfare* at 1146 (citations omitted); Bassuk, *Sheltered Homeless and Low-Income Housed Mothers* at 643 (finding that nearly two-thirds of women in Massachusetts shelters had been severely physically assaulted by an intimate partner as adults).

states more flexibility in applying the new TANF requirements to victims of domestic violence.[15] The sponsor of the Family Violence Option described why such a provision was needed:

> I want to make sure that these women and these children throughout our country, for whom the welfare system has been sometimes the only alternative to these very dangerous homes, receive the kind of special services and assistance that they need. In the absence of the passing of this amendment, all too many women and children could find themselves forced back into these very dangerous homes.

142 Cong. Rec. S8141 (daily ed. July 18, 1996) (statement of Sen. Wellstone).

Although the Family Violence Option permits states to waive residency requirements for victims of domestic violence, this provision does not effectively counter the problems the residency requirement creates for victims of abuse. Not all states have adopted the Family Violence Option.[16] Because no multi-tier welfare residency requirement like California's is currently in effect in any state, it is

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[15] The provisions of the Family Violence Option permit states to: (1) screen applicants for domestic violence while maintaining confidentiality; (2) provide referrals to counseling and other supportive programs; and (3) provide good cause exemptions for program requirements where compliance "would make it more difficult for individuals receiving assistance under this part to escape domestic violence or penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence." PRWORA, 42 U.S.C. § 602(a)(7) (1998).

[16] As of September 1998, only twenty-four states had elected the Family Violence Option. GAO *Domestic Violence*

uncertain whether the states that have certified that they are adopting the Family Violence Option would treat residency requirements as a welfare rule that they would in fact be willing to waive. *See* Minn. Stat. §§ 256J.30, 256J.42, 256J.43 (1997) (explicitly waiving time limits and work requirements, but not one-year durational residency requirement, for domestic violence survivors who meet certain conditions); Wash. Admin. Code § 388-61-001(2)(e-f) (1997) (waiving time limits, child support cooperation requirements, and some work requirements, but not residency requirement, for domestic violence survivors).

Furthermore, even in those states that have fully implemented the Family Violence Option, waivers from TANF requirements are often difficult to obtain.[17] Women may not disclose the fact that they are being abused to their caseworkers, either because they do not know about the Family Violence Option or because they are too

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Study at 3. For example, neither Illinois nor Wisconsin, two states that have durational residency requirements as part of their TANF plans, has formally adopted the Family Violence Option. *See* Jody Raphael & Sheila Haennicke, *The Family Violence Option: An Early Assessment* (1998). Although California is developing standards to address domestic violence issues in its TANF program, *see* U.S. Dep't of Health & Human Servs., States Selecting the Family Violence Option (Mar. 31, 1998) <http://www.acf.dhhs.gov/news/welfare/congress/tanffvo.gif>, California is not among the twenty-four states reported by the GAO to have adopted the Family Violence Option.

[17] For example, as of August 1998, Alabama had granted only seven requests for work-related waivers; Minnesota and New Jersey had each granted just fifty such waivers. Jody Raphael & Sheila Haennicke, *The Family Violence Option: An Early Assessment* at 7-8 (1998).

ashamed and fearful to reveal this painful information to strangers. As this Court has noted, battered women are often psychologically unable to acknowledge that they are victims of abuse. *Casey*, 505 U.S. at 890 (finding that "[e]ven when confronted directly by medical personnel or other helping professionals, battered women often will not admit to the battering because they have not admitted to themselves that they are battered"). Other victims may fear that disclosure will result in retaliation from the abuser or the removal of their children. Finally, providing official documentation of abuse is difficult, if not impossible, for many victims of domestic violence, and those who lack such documentation are frequently denied waivers.[18]

Hence, in spite of California's asserted concern for domestic violence survivors, many families who flee to the state to escape abuse will be severely penalized by the durational residency scheme. They will suffer this penalty solely because they recently chose to migrate interstate. Such a penalty on the exercise of a fundamental right is plainly unconstitutional. *Shapiro*, 394 U.S. at 618; *see also Soto-Lopez*, 476 U.S. at 903 (plurality op.); *accord id.* at 920 (O'Connor, J., dissenting); *Memorial Hosp. v. Maricopa County*, 415 U.S. 250, 258 (1974).

Furthermore, the durational residency requirement will actually prevent some battered women from making

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[18] Research into "good cause" waivers from child support cooperation requirements reveals that a very small percentage of recipients pursue these waivers and that two-thirds of those who do pursue them are denied, primarily because they are unable to produce adequate written documentation of abuse. Pearson et al., *Child Support and Domestic Violence* at 13-14.

their escape. If, after fleeing their abuser, they are unable to secure the most basic essentials, such as housing, winter heat, and clothing, they are likely to be deterred from establishing residence in a new state and will be driven to return to their abuser: "The fear of poverty or a greatly lowered standard of living is a major reason why women stay in abusive situations." Ginny McCarthy, *Getting Free: A Handbook for Women in Abusive Relationships* 11 (1986). Thus, reducing cash assistance to new residents increases the likelihood that domestic violence victims will conclude they have no choice but to stay with their batterers. As this Court observed in *Shapiro*:

> [Durational residency requirements are] well-suited to discourage the influx of poor families in need of assistance. An indigent who desires to migrate, resettle, find a new job, and start a new life will doubtless hesitate if he knows that he must risk making the move without the possibility of falling back on state welfare assistance during his first year of residence, when his need may be most acute.

394 U.S. at 629; *see also Maricopa County*, 415 U.S. at 257 (concluding that a person considering migration in search of a climate more desirable for his serious respiratory ailment "may hesitate if he knows that he must make the move without the possibility of falling back on the State for medical care. . . . ").[19] Similarly, domestic violence

[19] The plight of the lead plaintiffs in *Maldonado v. Houstoun* illustrates the deterrent effect of welfare residency requirements. Because of the drastic reduction in their grant, the Maldonados were forced to leave Pennsylvania and return to their former domicile before the district court issued a preliminary injunction. *See* Editorial, *Freedom Isn't Fair Price for Welfare*, Phila. Daily News, Oct. 15, 1997, at 32.

survivors confronted with homelessness and hunger are likely to be actually deterred from relocating to another state where they would be safe from abuse or close to supportive family and friends.

As this Court has previously held, a one-year welfare residency requirement does not rationally advance any legitimate state interest in encouraging employment. *See Shapiro*, 394 U.S. at 637-38. Its irrationality is poignantly apparent when its impact on domestic abuse survivors is considered. A law that deters women and children from escaping a life of violence and enforced dependency is directly at odds with the goal of fostering independent, self-sufficient families. It is also directly at odds with Congressional concern for the survival and safety of domestic violence victims and their children.

Because California Welfare and Institutions Code Section 11450.03 penalizes domestic violence survivors and will actually deter some battered women from permanently fleeing from their abusers, the judgment of the Ninth Circuit Court of Appeals should be affirmed.

CONCLUSION

For the foregoing reasons, the judgment of the Court of Appeals for the Ninth Circuit should be affirmed.

Respectfully submitted,

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APPENDIX

STATEMENTS OF INTEREST OF *AMICI CURIAE*

ALABAMA COALITION AGAINST DOMESTIC VIOLENCE

The Alabama Coalition Against Domestic Violence (ACADV) is a statewide network of eighteen domestic violence service agencies. A private, non-profit agency founded in 1978, ACADV has been extensively involved in efforts to protect the safety of battered women under the Personal Responsibility and Work Opportunity Reconciliation Act and its implementation in Alabama and other states. It has provided advocacy and technical assistance to the Alabama legislature and the Alabama Department of Human Resources and, most recently, trained over 650 eligibility, employment and training, child support and child welfare employees of the Alabama Department of Human Resources.

Because Alabama offers one of the lowest welfare benefit payments in the nation, domestic violence victims from Alabama are particularly likely to be negatively affected by reduction of cash assistance to that of the state of origin.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

For well over a century, the American Association of University Women (AAUW), an organization of 150,000 members, has been a catalyst for the advancement of women and their transformations of American society. In more than 1,500 communities across the country, AAUW members work to promote education and equity for all

women and girls. AAUW plays a major role in activating advocates nationwide on AAUW's priority issues. AAUW promotes the social, economic, and physical well-being of all persons, including freedom from violence.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN – PENNSYLVANIA

American Association of University Women – Pennsylvania (AAUW-PA) is a volunteer non-profit organization whose mission is education and equity for all women and girls. For over 100 years, AAUW-PA has advocated for equity for women in all aspects of their lives.

AMERICAN MEDICAL WOMEN'S ASSOCIATION

With branches across the United States, the American Medical Women's Association (AMWA) is a national organization of 10,000 women physicians dedicated to promoting women's health and fostering the professional development of women physicians. AMWA encourages its members, branches, and national officers to support and promote the end of violence against women of all ages. AMWA deplores the victimization and abuse of women and advocates development and implementation of an education curriculum at the medical school and post-graduate levels as well as development of programs in hospitals and health care facilities that provide appropriate care and support for victims of domestic violence.

AMERICAN PUBLIC HEALTH ASSOCIATION

American Public Health Association (APHA) is a national organization devoted to the promotion and protection of personal and environmental health. Founded in 1872, APHA is the largest public health organization in the world, representing over 50,000 public health professionals. It represents all disciplines and specialties in public health, including many of those who provide health care services to low-income families. Additionally, APHA passed a comprehensive policy designed to mobilize public health professionals and public health agencies in the public, private and voluntary sectors to engage in actions to prevent domestic violence.

ARIZONA COALITION AGAINST DOMESTIC VIOLENCE

The Arizona Coalition Against Domestic Violence is a private, non-profit coalition of statewide domestic violence victim service providers and others concerned about the issues of domestic violence and empowerment of battered women. Formed in 1980 by concerned citizens, professionals, and battered and formerly battered women, the Arizona Coalition works to increase public awareness of domestic violence through training and technical assistance programs; enhance the safety of and improve services for domestic violence victims; and advocate for systemic changes to make all systems more responsive to the needs of battered women.

AYUDA INC.

Ayuda's domestic violence program, founded in 1985, is the first program in the country to develop a comprehensive approach to addressing the needs of battered women who are immigrants and/or refugees. Ayuda has over eleven years of experience assisting thousands of immigrant battered women and their children in obtaining civil protection orders, child support, custody, divorce, immigration, housing, social services and emergency assistance matters. Ayuda represents a significant number of battered women and children who are eligible for relief under the Violence Against Women Act's immigration provision and has broad experience representing battered women in family court in custody and protection order cases. Ayuda is acutely aware of the devastating impact that witnessing violence in the home can have on children and has a Latino Children's Program specifically designed to counter these effects.

Informed by years of direct client representation, Ayuda's domestic violence program constantly strives to fulfill its dual role as a national advocate and an educator on issues of domestic violence and immigration. Ayuda is a co-coordinator of and the Washington voice for the National Network on Behalf of Battered Immigrant Women. In that role, it serves as a liaison between advocates for immigrants and advocates for battered women.

BATTERED WOMEN'S LEGAL ADVOCACY PROJECT

The Battered Women's Legal Advocacy Project (BWLAP) is a Minnesota statewide program which provides legal advice, consultation, training, litigation and policy development assistance to battered women's advocates, attorneys representing battered women, judges, law enforcement officers, prosecutors, and others on domestic violence legal issues. BWLAP is the only statewide program which has as its mission to improve the legal system's response to the victims and perpetrators of domestic violence. BWLAP works with advocates who assist battered women who have been forced to move from their previous state to escape the very real and serious threat of violence by their abuser.

CALIFORNIA ALLIANCE AGAINST DOMESTIC VIOLENCE

The California Alliance Against Domestic Violence is a California coalition of domestic violence organizations dedicated to ending violence against women and girls through policy development, training, education, and coalition building. The Alliance has a twenty-year history, and in 1993, it incorporated as a 501(c)(3) non-profit corporation.

CALIFORNIA NATIONAL ORGANIZATION FOR WOMEN

The California National Organization for Women (CA NOW) is a non-profit organization dedicated to securing social and economic equity for women. Its priorities

include ending violence against women, ensuring reproductive rights for all women, eliminating gender and race discrimination, and securing lesbian rights. CA NOW works to achieve these goals through direct and grassroots lobbying, community education, and promoting feminist political candidates.

CALIFORNIA WOMEN LAWYERS

California Women Lawyers (CWL) is a non-profit corporation and professional organization whose membership includes attorneys of both genders, judges, and law students who either work, live or attend law school in California. CWL's charter is to "advance women in the profession of law; to improve the administration of justice; to better the position of women in society; to eliminate all inequalities based upon sex; and to provide an organization for collective action and expression germane to the aforesaid purposes."

CWL has actively participated in developing policy related to "welfare reform" efforts in California, and has participated in research projects which examine the connection between domestic violence victims and public assistance recipients. CWL's board of directors has consistently maintained working committees focusing on domestic violence and has created a subcommittee to investigate and address the impact of new legislation on indigent women and children in California.

CALIFORNIA WOMEN'S LAW CENTER

The California Women's Law Center (CWLC) is a private, non-profit public interest law center specializing in the civil rights of women and girls. The California Women's Law Center was established in 1989 to address the comprehensive civil rights of women and girls in the following priority areas: sex discrimination in education and employment, reproductive rights, family law, violence against women, and child care. Since its inception, the CWLC has placed a strong emphasis on protecting the rights of women who are victims of domestic violence.

CENTER FOR ECONOMIC OPTIONS

The Center for Economic Options, Inc. is a non-profit statewide organization committed to promoting equity and improving the economic position of West Virginians. Its primary focus is to provide for equal participation of women in economic leadership, community development, and gainful employment, with a special commitment to those women who have historically been excluded from these roles in society.

CENTER FOR WOMEN POLICY STUDIES

The Center for Women Policy Studies is a national non-profit, multiethnic, and multicultural feminist policy research and advocacy institution. The Center has been a leader in research, policy analysis and advocacy on violence against women since its founding in 1972. It has actively sought, since 1995, to ensure a strong Family

Violence Option in the federal Temporary Assistance for Needy Families program.

COLORADO COALITION AGAINST DOMESTIC VIOLENCE

The Colorado Coalition Against Domestic Violence is a statewide coalition of fifty-seven domestic violence programs. Founded in 1977, the Coalition's mission is to eliminate domestic violence in Colorado by providing community education, professional training, membership services, and public policy development.

DISTRICT OF COLUMBIA COALITION AGAINST DOMESTIC VIOLENCE

The District of Columbia Coalition Against Domestic Violence (DCCADV), a non-profit organization for battered women, is committed to providing coordinated services for victims of domestic violence in the community through public policy, public education and awareness, training and development and victim advocacy for women and their children. Established in 1986, DCCADV coordinates efforts at all levels of the domestic violence response and crime prevention systems.

EQUAL RIGHTS ADVOCATES

Equal Rights Advocates, Inc. (ERA) is a San Francisco-based, non-profit, public interest law firm dedicated to securing legal and economic equality for women through litigation, advocacy, and public education, particularly in the area of employment. Since its inception twenty-five years ago, ERA has represented plaintiffs in

numerous sexual harassment, sex discrimination, and pregnancy discrimination cases. ERA has also worked on many advocacy campaigns that sought to establish economic and workplace protections for low-income women. With the advent of welfare reform, ERA successfully pursued public policy initiatives on behalf of welfare recipients in California. ERA is also the lead state agency for a coalition of California community-based organizations that serve welfare recipients. ERA recently developed the Immigrant Women & Welfare Project, a research and advocacy project that seeks to document the barriers that immigrant women in California face as they attempt to move from welfare to work. Based on our interviews with immigrant women on welfare, we are finding that a large percentage of the women are or have been victims of domestic violence.

FAMILY VIOLENCE PREVENTION FUND

The Family Violence Prevention Fund is a national, non-profit organization that focuses on domestic violence education, prevention, and public policy. The mission of the fund is to stem the epidemic of domestic violence in our homes by developing prevention and education strategies in the justice, child welfare, public education, and public health fields. Founded in 1980, the Fund is nationally recognized for its pioneering work to improve the justice, health care, and child welfare system's response to domestic violence. As part of its commitment to justice system improvement, the Fund advocates elimination of legal barriers that inhibit a woman's ability to flee domestic violence to secure her and her children's safety.

FLORIDA COALITION AGAINST DOMESTIC VIOLENCE

The Florida Coalition Against Domestic Violence (FCADV) represents all of Florida's thirty-eight certified domestic violence centers, where shelter and support are available for thousands of domestic violence survivors and their families each year. Since its founding twenty years ago, FCADV has been the voice of domestic violence survivors and their children in this state. In addition to providing services and resources for the centers, FCADV is the statewide policy maker on domestic violence issues, facilitating the creation of domestic violence task forces throughout Florida and operating a legal clearinghouse of attorneys who provide pro bono legal representation for survivors of domestic violence in courts throughout the state. More than 2500 survivors have received such legal services since November of 1997.

GEORGIA COALITION ON FAMILY VIOLENCE, INC.

The Georgia Coalition on Family Violence is a non-profit, statewide organization comprised of and serving battered women's shelters, programs, organizations, and individuals. The Coalition works for changes in policies and procedures which will help to improve the health and well-being of battered women and their children. Its members have participated in the formulation of Georgia's plan for implementation of Temporary Assistance for Needy Families and the Coalition remains active in training welfare workers on the Family Violence Option.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

The Hawaii State Coalition Against Domestic Violence, a private, non-profit organization, is a statewide coalition of fourteen domestic violence programs working collaboratively to affect public policy and establish a coordinated and consistent response for the safety and protection of battered women. Our goals include public recognition of domestic violence as a pervasive societal problem, detrimental to all members of society, rather than a personal problem; and the obliteration of racism, sexism, and homophobia which contribute to domestic violence.

ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE

The Illinois Coalition Against Domestic Violence (ICADV) is a non-profit organization, incorporated in the state of Illinois, dedicated to the elimination of domestic violence. Founded in 1978, ICADV is a statewide network of forty-eight local domestic violence programs which provide services to domestic violence victims and their children, and which seek to prevent and eliminate domestic violence through community education and public policy advocacy. In 1997, we provided services to 47,887 women and children. Of the adults we served, 16.9% were TANF recipients.

IOWA COALITION AGAINST DOMESTIC VIOLENCE

The Iowa Coalition Against Domestic Violence (ICADV) is a non-profit organization, incorporated in the

state of Iowa in 1985. ICADV provides educational and technical assistance to the domestic violence programs across Iowa, and also acts on a statewide level to promote public policy and legislative solutions to the problems of battered women and their children. ICADV's purpose is to eliminate personal and institutional violence against women through support to programs providing safety and services to battered women and their children.

JANE DOE INC., MASSACHUSETTS COALITION AGAINST SEXUAL ASSAULT AND DOMESTIC VIOLENCE

Jane Doe Inc., Massachusetts Coalition Against Sexual Assault and Domestic Violence is a membership organization of thirty-nine battered women's programs and rape crisis centers in the state. Its primary areas of focus are public policy, member services, and community education. Its mission is to advocate for battered women and their children, and survivors of sexual abuse in the Commonwealth of Massachusetts by creating an integrated community response to domestic violence. It is committed to eliminating barriers to safety and family stability that are created by limiting access to financial assistance.

KANSAS COALITION AGAINST SEXUAL & DOMESTIC VIOLENCE

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a not-for-profit coalition of domestic violence and sexual assault agencies in Kansas. KCSDV provides training, support, technical assistance, and advocacy on legislative issues for its twenty-eight member programs. Its welfare reform project is a collaborative

effort between KCSDV and the Kansas Department of Social and Rehabilitation Services (SRS). The project involves intensive training for SRS workers on issues surrounding domestic violence, presentations to TANF recipients about domestic violence and an on-site domestic violence advocate in the SRS office. KCSDV is committed to addressing the connection between economic oppression and violence against women.

KENSINGTON WELFARE RIGHTS UNION

The Kensington Welfare Rights Union (KWRU), one of the plaintiffs in *Maldonado v. Houstoun* challenging Pennsylvania's one-year multi-tier residency requirement for cash assistance, is a Philadelphia-based welfare rights organization whose members include many survivors of domestic violence. KWRU members have moved to Pennsylvania from Puerto Rico, North Carolina, Tennessee, New York, and Kentucky. A large proportion – probably half – of KWRU's members have fled domestic violence at some point in their lives. Some of our members have had guns pulled on them, have been badly beaten and punched in the face, have had their hair ripped out, have been strangled and worse. One woman's abusive husband dragged her through the street by her hair. Often the abuse has occurred with their children watching.

KENTUCKY DOMESTIC VIOLENCE ASSOCIATION

The Kentucky Domestic Violence Association (KDVA) is a non-profit organization that provides training, technical assistance and support services to Kentucky's seventeen spouse abuse centers. These centers

help thousands of Kentuckians each year through shelter, education, counseling, and solving problems of interstate enforcement of protective orders, a particularly important issue in Kentucky which is bordered by seven other states. Most states which border Kentucky provide higher welfare benefits than families can receive here. As a result, women from Kentucky seeking to escape violence would be disadvantaged by policies that tied their benefits in a new state to Kentucky's benefit levels.

LOUISIANA COALITION AGAINST DOMESTIC VIOLENCE

The Louisiana Coalition Against Domestic Violence (LCADV) is a not-for-profit organization incorporated in the State of Louisiana in 1982. It is a statewide network of battered women's programs, other organizations, and individuals who share the goal of ending violence against women and children in Louisiana and throughout the world. LCADV empowers its members through advocacy, education, resource development, technical assistance and dissemination of a bimonthly newsletter.

MARYLAND NETWORK AGAINST DOMESTIC VIOLENCE

The Maryland Network Against Domestic Violence (MNADV), founded in 1981, is a statewide coalition of victim services programs, criminal justice agencies, community organizations, and individuals committed to the elimination of domestic violence through advancing public and professional awareness, implementing special initiatives, and improving legislation and policy. MNADV membership includes all of Maryland's twenty-four

domestic violence programs serving every area of the state. MNADV works to ensure that diverse communities speak in a unified voice to achieve an end to domestic violence, and to ensure that practices which discriminate against battered women are recognized and corrected.

MICHIGAN COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

The Michigan Coalition Against Domestic and Sexual Violence (MCADSV) is a non-profit organization incorporated in the state of Michigan for the purpose of providing services and advocacy on behalf of the victims of sexual assault and domestic violence and their minor children. MCADSV is a membership organization of domestic violence and sexual assault service provider agencies, and other supportive agencies and individuals committed to ending domestic and sexual violence in Michigan.

Welfare policy work is of particular interest to MCADSV because of the profound impact such policy has on victims of domestic violence who must rely on programs such as TANF to escape abusive relationships.

MINNESOTA COALITION FOR BATTERED WOMEN

The Minnesota Coalition for Battered Women (MCBW) is a membership organization consisting of local, regional, and statewide organizations that provide services to battered women and their children. It works to change systems and institutions so that they can respond to battered women and their children more effectively, empower member organizations, network with other

organizations which address the broader needs of battered women, and provide leadership on a regional and national level.

MISSOURI COALITION AGAINST DOMESTIC VIOLENCE

The Missouri Coalition Against Domestic Violence (MCADV) is a statewide, non-profit membership organization of the agencies, organizations and individuals providing services to victims of domestic violence and their children. Founded in 1980, its mission is to provide education on domestic violence; advocate public policy to alleviate and prevent domestic violence; provide technical assistance and training to those programs and systems addressing the needs of domestic violence victims; provide opportunities for communication among advocates; and provide research on domestic violence.

In a crossroads state such as Missouri, domestic violence victims who are recipients of public assistance often must move to a different state where they cannot be found by their abusers. Durational residency requirements will have a devastating impact on the abilities of these women to protect themselves and their children from domestic violence.

NATIONAL ASSOCIATION OF SOCIAL WORKERS

The National Association of Social Workers (NASW) is a professional membership organization comprised of more than 155,000 social workers with chapters in every state. Since 1955, the NASW has had as its purposes to develop and disseminate high standards of practice while

strengthening and unifying the social work profession as a whole and improving the quality of life through the utilization of social work skills. In its "Policy on Public Child Welfare," NASW urged social workers to address the vulnerability of women and people of color in the delivery and receipt of public welfare services.

NATIONAL BLACK WOMEN'S HEALTH PROJECT

The National Black Women's Health Project is a non-profit organization based in Washington, D.C. committed to defining, promoting, and maintaining the physical, spiritual, mental, and emotional well-being of Black women. Intimate partner violence is a pervasive threat to Black women's health. Factors such as unemployment, poverty, poor housing, lack of financial resources, job loss, increasing isolation from family, a lack of social supports, homelessness, poor social and educational skills, unwanted pregnancy, and being raised in a violent home, all contribute to family disorganization. Residency requirements that restrict access to welfare benefits impede a woman's ability to break free of her abuser and begin the process of healing herself and her children.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

The National Coalition Against Domestic Violence (NCADV) is dedicated to the empowerment of battered women and their children and is therefore committed to the elimination of personal and societal violence in the lives of women and their children. Crucial to empowering battered women and their children is ensuring that

they have the financial ability to escape the abuse in their lives. In order to flee violence and protect her children, a woman may have to move to a different state where her batterer cannot find her or her children. NCADV believes that governmental financial assistance should be made available to all indigent, battered women and their children. It is an essential component of the effort to eradicate violence against women and children.

NATIONAL COALITION AGAINST SEXUAL ASSAULT

The National Coalition Against Sexual Assault (NCASA) is a non-profit membership organization. Founded in 1978, NCASA's members include over 450 rape crisis centers, sexual assault prevention programs, women's centers, individuals, and allied organizations. From its inception, NCASA has been recognized as a major forum and force for eliminating violence against women.

NCASA's activities include an annual conference addressing treatment, research, awareness, and program development. It publishes *NCASA News*, fact sheets and public policy updates. The information it circulates is based on survivor reports, expert literature, and NCASA oversight of the legal system. NCASA provides current, accurate and comprehensive information to victim service providers, public policy makers, media, members, and the public. Through its Public Policy Committee, NCASA educates policy makers, networks with other organizations, and issues policy statements.

NATIONAL COUNCIL OF JEWISH WOMEN

The National Council of Jewish Women Inc. (NCJW), is a volunteer organization, inspired by Jewish values, that works through a program of research, education, advocacy and community service to improve the quality of life for women, children and families and strives to protect individual rights and freedoms for all. Founded in 1893, the National Council of Jewish Women has 90,000 members in over 500 communities nationwide. NCJW's *National Priorities* state, "We endorse and resolve to work for the elimination and protection from all forms of harassment, violence and abuse against women."

NATIONAL COUNCIL OF NEGRO WOMEN

The National Council of Negro Women, Inc. (NCNW) is a voluntary, non-profit, membership organization helping women to improve the quality of life for themselves, their families, and the community. Through its national affiliate organizations and 250 community-based sections, NCNW has an outreach to four million women, all contributing to the peaceful solutions of problems of human welfare and rights. Founded in 1935, NCNW sponsors educational, economic, social, cultural, and scientific self-help projects nationally and in specific communities across the nation. Through its projects, the NCNW strives to achieve equality of opportunity and eliminate prejudice and discrimination based upon race, creed, color, sex, or national origin.

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE

Founded in 1975, the National Organization for Victim Assistance (NOVA) is the oldest national group dedicated to championing victim rights and services in the worldwide victims' movement. A non-profit membership organization, NOVA is guided by four purposes: to be an educational resource to colleagues in the field, to be of service to our members, to be of direct assistance to victims of crime and other traumatic events, and to be an advocate for victim rights and services.

NATIONAL ORGANIZATION FOR WOMEN FOUNDATION

The National Organization for Women Foundation (NOW Foundation) is a 501(c)(3) organization devoted to furthering women's rights through education and litigation. NOW Foundation is affiliated with the National Organization for Women, the largest feminist organization in the United States, with a membership of over 200,000 women and men in more than 600 chapters in all fifty states and the District of Columbia. Since its inception in 1986, a major goal of NOW Foundation has been to ensure full equality for women, including economic equity, and to put an end to violence against women.

NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES

The National Partnership for Women & Families (National Partnership) is a non-profit, national advocacy organization that promotes fairness in the workplace, quality health care, and policies that help women and

men meet the dual demands of work and family. Established in 1971 as the Women's Legal Defense Fund, the National Partnership has worked to advance the rights and interests of women – especially low-income women and women of color – and their families, through public education, technical assistance to federal and state policymakers and advocates, and participation as *amicus curiae* in federal and state courts.

The National Partnership has long addressed the unique barriers faced by women subjected to domestic violence. In 1979, the National Partnership founded the first shelter for battered women in the District of Columbia, My Sister's Place. The National Partnership has also provided direct legal services to women seeking protection orders in DC.

NATIONAL WOMEN'S LAW CENTER

The National Women's Law Center is a non-profit organization that has worked since 1972 to advance and protect women's legal rights. The Center focuses on major policy areas of importance to women and their families, including family support, income security, employment, education, and reproductive rights and health, with special attention to the needs of low-income women. The Center has participated as counsel, provided assistance, or participated as *amicus curiae* in a range of cases interpreting the requirements of a host of public benefit programs. The Center also advocates, at the federal, state, and local levels, for welfare and child support policies that will help low-income women achieve greater economic security and escape abuse, and provides direct

assistance to low-income women in the District of Columbia dealing with domestic violence and other issues.

NEBRASKA DOMESTIC VIOLENCE SEXUAL ASSAULT COALITION

The Nebraska Domestic Violence Sexual Assault Coalition is a statewide advocacy organization committed to reducing violence against women and children in Nebraska. Its primary purpose is to provide training, technical assistance and peer support to the twenty-two community-based domestic violence and sexual assault programs throughout the state. Its broader mission is to increase public awareness and understanding about these issues and to support the development of more effective community and institutional responses through coordination of statewide education programs and public policy initiatives. The Coalition works tirelessly to help women and children find safe havens and to expose beliefs that protect and promote violence in the home. It also collaborates with courts, law enforcement offices, prosecutors, and probation officers to make systemic changes in the way domestic violence is handled in the justice system.

NEW HAMPSHIRE COALITION AGAINST DOMESTIC & SEXUAL VIOLENCE

The New Hampshire Coalition Against Domestic & Sexual Violence is a statewide network of fourteen independent member programs committed to ending domestic and sexual violence. The Coalition ensures that high-quality services are provided to victims/survivors of domestic and sexual abuse. Because the Coalition recognizes that violence and oppression are connected, we

promote social change by empowering victims and by holding systems accountable for their responses to domestic and sexual violence.

For the past two years, the Coalition has been working with the New Hampshire Department of Health and Human Services to implement the Family Violence Option. However, the Coalition recognizes that the Family Violence Option is not sufficient to protect all victims of domestic violence and that durational residency requirements will hurt some victims who must flee to other states in order to escape abuse.

NEW JERSEY COALITION FOR BATTERED WOMEN

The New Jersey Coalition for Battered Women (NJCBW) is a statewide coalition of domestic violence service programs and concerned individuals whose purpose and mission is to end violence in the lives of women. Incorporated in 1979, NJCBW is a private, non-profit corporation, whose members include all twenty-three domestic violence programs in New Jersey. NJCBW advocates for battered women with state-level governmental and private agencies, the state legislature, judiciary and governor to support legislation and policies that will increase the safety and options of victims of domestic violence. It also provides information, resources, technical assistance and training to domestic violence programs, the public and those agencies, organizations and individuals involved with New Jersey's response to domestic violence. Recently, NJCBW has strenuously advocated for the adoption of fair and realistic welfare policies in New Jersey that reflect and acknowledge the

strong correlation between domestic violence and the need for state assistance, and that respond to the real-life threats victims and their children face.

NEW MEXICO COALITION AGAINST DOMESTIC VIOLENCE

The New Mexico Coalition Against Domestic Violence (NMCADV) is a non-profit organization incorporated in the state of New Mexico in 1981 for the purpose of providing advocacy for and assistance to families impacted by domestic violence. Thirty member locations provide emergency shelter, counseling, hotlines, legal advocacy, transitional housing, youth violence prevention programs, and public policy advocacy. In the past fiscal year, member programs served 16,400 individual clients.

The Coalition recognizes that any impediment to the ability of domestic violence victims to move from state to state jeopardizes the safety of victims and their children.

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

The New York State Coalition Against Domestic Violence (NYSCADV) is a non-profit membership organization. Coalition members include shelters, safe home projects, advocacy programs, and counseling projects, as well as concerned individuals who share the goal and philosophy of providing services to battered women and their children and eradicating family violence through advocacy, education, public awareness and program development.

NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES

The North Dakota Council on Abused Women's Services is a coalition of twenty community-based domestic violence centers around the state. The coalition has been active in a broad array of issues affecting battered women and their children for over twenty years. Recently, the Coalition partnered with a statewide reform monitoring project, and has attempted to track the impact of welfare reform on victims of domestic violence. The Coalition is concerned that welfare residency requirements threaten the safety and welfare of vulnerable people who may literally be fleeing for their lives.

NORTHWEST WOMEN'S LAW CENTER

The Northwest Women's Law Center is a non-profit public interest organization dedicated to protecting the legal rights of women through litigation, education, legislation and the provision of legal information and referral services. Since its founding in 1978, the Law Center has worked actively on all fronts to protect and advance the legal rights of women and children throughout Washington and the Pacific Northwest. The Northwest Women's Law Center has worked on many fronts to eliminate violence against women. In particular, the Law Center was a leader in strengthening Washington's domestic violence laws and has assisted attorneys who have sought asylum for their clients under the Violence Against Women Act (VAWA). Currently, the Law center is co-counsel for plaintiffs in a case challenging Washington State's multi-tier durational welfare residency requirement.

OHIO DOMESTIC VIOLENCE NETWORK

The Ohio Domestic Violence Network (ODVN) is a non-profit membership organization incorporated in the state of Ohio. ODVN is an organization of shelters, domestic violence programs, batterer intervention programs, legal advocacy programs, and other legal, social service or advocacy organizations providing services and advocacy to victims and perpetrators of domestic violence. ODVN also provides training and technical assistance to domestic violence programs, the legal community, the medical community, the social service community and other interested parties on issues of domestic violence. It operates a toll-free information and referral line that provides access to local domestic violence program hotlines twenty-four hours a day.

OKLAHOMA COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA) is an Oklahoma based non-profit professional membership organization of domestic violence and sexual assault providers. Since its incorporation in July, 1981, OCADVSA has advocated for safety for victims of domestic violence and sexual assault, for the elimination of violence from the lives and homes of every citizen in the state of Oklahoma. OCADVSA counsels victims of domestic violence and sexual assault and their children, provides advocacy and case management services, and works with Oklahoma's legislature and governmental officials to improve public policy and response for victims.

PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

The Pennsylvania Coalition Against Domestic Violence, Inc. (PCADV) is a not-for-profit organization incorporated in the Commonwealth of Pennsylvania for the purpose of providing services and advocacy on behalf of the victims of domestic violence and their minor children. PCADV is a membership organization of sixty-four shelters, hotlines, counseling programs, safe home networks, legal advocacy projects, and transitional housing projects for battered women and their dependent children in the Commonwealth.

For more than twenty years, PCADV has provided training and technical assistance to domestic violence programs, courts, law enforcement agencies, and bar associations on the issues of domestic violence and the safety needs of battered women and children.

PENNSYLVANIA NOW, INC.

Founded in 1972, Pennsylvania NOW, Inc. is a statewide non-profit membership organization affiliated with the National Organization for Women. Through grassroots organizing efforts, Pennsylvania NOW's thirty-seven chapters with over 9,000 members work to eliminate discrimination against women based on race, economic status, age, sexual orientation, religious affiliation, ethnic origin, and/or disability. Within the past two years, Pennsylvania NOW has worked closely with other organizations in the state to oppose punitive welfare measures. Specifically, although Pennsylvania has

adopted the Family Violence Option, many domestic violence survivors remain subject to welfare program requirements they cannot meet because Pennsylvania does not consistently screen applicants for abuse or offer program waivers to victims who do not have current Protection From Abuse orders or other documentation that they are in danger.

POVERTY LAW PROJECT OF THE NATIONAL CLEARINGHOUSE FOR LEGAL SERVICES

The Poverty Law Project (PLP) of the National Clearinghouse for Legal Services is a non-profit public interest law firm that provides free legal representation to poor people about welfare and housing policy issues. The PLP advocates on behalf of victims and survivors of domestic violence because welfare and housing policies have a significant impact on the quality of their lives. The PLP is interested in exposing the relationship between welfare and housing policies, the increased risk of physical and emotional harm, and the economic injury domestic violence inflicts on women. The PLP attorneys represent the plaintiffs in *Hicks v. Peters*, 10 F. Supp.2d 1003 (N.D. Ill. July 17, 1998), a class-action lawsuit that successfully challenged Illinois' durational residency requirement.

RHODE ISLAND COALITION AGAINST DOMESTIC VIOLENCE

The Rhode Island Coalition Against Domestic Violence is a non-profit organization representing the six domestic violence agencies in Rhode Island. Since 1978, the Rhode Island Coalition has been the voice for victims

of domestic violence in the state by advocating for improved laws, systems and services.

SOUTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE & SEXUAL ASSAULT

The South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA) is a non-profit, statewide organization formed in 1981 to represent the critical needs of victims/survivors of domestic violence and sexual assault. SCCADVASA is a membership organization of thirty-three domestic violence organizations, rape crisis centers, and sexual assault programs. Each program provides emergency shelters, crisis intervention, support services, advocacy, community education and training, and outreach programs.

SOUTH DAKOTA COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The South Dakota Coalition Against Domestic Violence and Sexual Assault (SDCADVSA) is a non-profit organization founded in 1979. SDCADVSA is dedicated to the empowerment of battered women and their children and therefore is committed to the elimination of personal and societal violence in the lives of women and their children.

SUCCESS AGAINST ALL ODDS

Success Against All Odds (SAAO) is a non-profit organization dedicated to helping low-income families achieve economic independence. SAAO is composed primarily of current and former cash assistance recipients in

central Pennsylvania. Most members are single mothers. A major focus of the organization is to address the barriers faced by parents attempting to leave welfare. A number of SAAO members are survivors of domestic violence who could not have escaped from their abusive partners without assistance from TANF.

TENNESSEE TASK FORCE AGAINST DOMESTIC VIOLENCE

The Tennessee Task Force Against Domestic Violence (TTFADV) is a private, non-profit grassroots organization composed of shelters, programs, and individuals dedicated to working to end violence in the lives of battered women and their children, and to change the institutions that condone and promote such violence.

Since 1983, TTFADV has expanded the number of programs serving battered women and their children from five to forty-eight and has increased state and federal family violence funding to domestic violence programs. TTFADV established the Woman's Resource Center on Domestic Violence and Sexual Assault and has advocated for more than thirty pieces of legislation improving safety for domestic violence victims.

VERMONT NETWORK AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Vermont Network Against Domestic Violence and Sexual Assault is a statewide coalition of direct service programs serving victims of domestic and sexual

violence in the state of Vermont. In addition to supporting the work of the direct service programs, the Network's role is to educate the community about domestic and sexual violence, to work for relevant legislation on the state and national levels, and to provide advocacy both on behalf of victims and the work of member organizations.

WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE

The Washington State Coalition Against Domestic Violence is a statewide non-profit agency committed to ending domestic violence through advocacy and action for social change. Founded in 1990, the Coalition has a membership of 150 domestic violence programs and supportive individuals dedicated to eliminating domestic violence. It has assisted in the development of public policy and laws which are responsive to the health, economic, emotional and physical safety needs of battered women and their children.

WEST VIRGINIA COALITION AGAINST DOMESTIC VIOLENCE

The West Virginia Coalition Against Domestic Violence (WVCADV) is a non-profit organization founded in the late 1970s and incorporated in the state of West Virginia in July 1981. WVCADV is a network of thirteen direct services programs, their outreach offices, and a Central Service Office. The mission of WVCADV is to end violence in the lives of women, children, and men within the family or home. WVCADV programs provide services in all fifty-five counties of the state.

WOMEN EMPLOYED

Women Employed is a national association of working women based in Chicago, with a membership of 2,000. Since 1973, the organization has assisted thousands of working women with problems of sex discrimination and harassment, monitored the performance of equal opportunity enforcement agencies, and developed specific, detailed proposals for improving enforcement efforts. Through its direct service programs and advocacy work, Women Employed has assisted thousands of welfare recipients and survivors of domestic violence.

WOMEN'S LAW PROJECT

The Women's Law Project is a non-profit women's legal advocacy organization based in Philadelphia. Since its founding in 1974, the Law Project has devoted itself to empowering and protecting battered women and their children. It currently is co-counsel to the plaintiff class in *Maldonado v. Houstoun*, 157 F.3d 179 (3d Cir. 1998), challenging Pennsylvania's durational residency requirement for cash assistance. The Law Project authored *Family Violence and the Child Custody Process: A Legal Guide for Protecting Children* (1996), and participates on the Pennsylvania Department of Public Welfare's Domestic Violence/TANF Task Force, which is charged with developing recommendations for effectively implementing the Family Violence Option. The Law Project has assisted many battered women who have been unable to avail themselves of the Family Violence Option's protections because they have been unable to provide sufficient written documentation of the abuse or because their caseworkers have been unaware of or unwilling to apply the Option.

WYOMING COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Wyoming Coalition Against Domestic Violence and Sexual Assault (WCADVSA) is a non-profit network of Wyoming's domestic violence/sexual assault programs. WCADVSA's mission is to end violence and seek justice through social change utilizing education, political action, and empowerment of victims.

YWCA OF SAN DIEGO COUNTY – DOMESTIC VIOLENCE SERVICES

For over twenty years, the YWCA of San Diego County has provided the community with comprehensive services for domestic violence victims and their children. Its hotline provides twenty-four hour emergency assistance, emotional support, resource information and referrals. The Counseling Center specializes in support groups for battered women and treatment of batterers. The Legal Advocacy Program promotes the elimination of domestic violence by offering counseling, legal information and referrals for women in crisis, assistance in obtaining Domestic Violence Restraining Orders, custody orders and divorces, support escorts for court hearings, and bilingual services and translations. The PASSAGES program is a continuum of long-term residential and supportive services to assist battered women and their children. PASSAGES includes, among other services, a confidential shelter and a ninety-day residential program.